

### **REMARKS**

Claims 1-57 are pending in this application. Applicants have amended certain claims in this Response because Applicants believe these amendments serve a useful clarification purpose independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

In particular, dependent claims 34-35, 38-39, 42-43, and 46-47 have been rewritten to provide proper antecedent basis for the term "the layer." In addition, dependent claim 28 has been rewritten to improve readability of the claims. Furthermore, independent claims 14, 21, 23, and 25 have been rewritten to clarify the invention. As no new matter has been added by the amendments and introduction of new claims, Applicants respectfully request entry of these amendments at this time.

### **DOUBLE PATENTING REJECTION**

The Examiner rejected claims 1-13 under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-13 of U.S. Patent No. 6,042,768 to Calabria *et al.* for the reasons provided on pages 2-3 of the Office Action. Applicants submit herewith a Terminal Disclaimer in compliance with 37 CFR 1.321(c). As such, Applicants respectfully request reconsideration and withdrawal of the double patenting rejection.

### **THE REJECTIONS UNDER 35 U.S.C. § 112**

Claims 34-35, 38-39, 42-43, and 46-47 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite as set forth on page 3 of the Office Action. In response, Applicants have rewritten these claims to avoid antecedent basis issues.

In light of these amendments, Applicants respectfully submit that these rejections have been overcome. As such, Applicants respectfully request reconsideration and withdrawal thereof.

### **THE REJECTIONS UNDER 35 U.S.C. §§ 102 & 103**

Claims 14-15, 17-18, 20-22, 28, 53, and 57 were rejected under 35 U.S.C. § 102(B) as anticipated by U.S. Patent No. 5,006,297 to Brown *et al.* for the reasons provided on pages 3-4 of the Office Action. In addition, the Examiner rejected claims 16, 19, 23-27, 29-52 and 54-56 under § 103(a) as obvious over Brown as provided on pages 4-12 of the Office Action. Brown does not disclose or suggest the present invention for the reasons that follow.

Brown generally discloses a polyurethane covered golf ball that is made by allowing the polyurethane cover stock material to partially cure in an open mold and subsequently molding a golf ball product. *See* Abstract. In particular, Brown teaches a process that includes an initial curing step in an open mold where urethane is introduced in both mold halves and allowed to partially cure prior to the introduction of the core. Col. 2, lines 35-41. Once the core is placed into one of the mold cups, the mold is closed and the urethane is allowed to cure. Col. 2, lines 40-41. In the final molding step, a compression mold is used to impart a dimple pattern upon the cover of the smooth-surfaced golf ball product. Col. 3, lines 50-52. Thus, the finished ball of Brown is a result of two separate molding steps using different molds, *i.e.*, the first mold is a smooth-surfaced mold and the second mold has a negative dimple therein.

In contrast, the method of the present invention forms a golf ball in one mold that includes first and second mold halves. In other words, the finished golf ball is created using a single mold through a variety of steps, including allowing the polyurethane to partially cure in a first mold half, placing the core into the first mold half, allowing polyurethane to partially cure in a second mold half, mating the first and second mold halves using predetermined pressure and temperature settings, cooling the mold, and opening the mold to demold the ball. *See, e.g.*, Specification at Page 9, lines 3-13; *see also* Example 1.

As generally discussed above, Brown teaches to use an initial mold to form a smooth-surfaced golf ball product that is a fixed-pin or retractable-pin mold with a smooth surface. Col. 3, lines 47-49 and 61-62. Brown further instructs that it is essential that the smooth-surfaced golf ball product of the initial molding step be subjected to a final molding step when the cover stock is able to conform to the dimple pattern of the mold cups in the *second* mold. Col. 3, lines 57-61. As such, Brown requires two molds to form a golf ball instead of the single mold presently claimed. Thus, Brown does not anticipate the present invention. In addition, a skilled artisan would not have been motivated to use a single mold in view of Brown's explicit instruction that the molding occur using an initial molding step in a first mold and a final molding step in a second mold.

For at least the reasons above, the present invention is not anticipated or rendered obvious by Brown. Thus, Applicants respectfully request reconsideration and withdrawal of the §§ 102 and 103 rejections based thereon.

### CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that

the present amendments and remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith to extend the time for response three months to and including January 28, 2005. A Fee Sheet Transmittal is also submitted herewith to authorize the fees associated with such petition and to pay for the Terminal Disclaimer.

No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Swidler Berlin, LLP Deposit Account No. 195127, Order No. 20002.0057.

Respectfully submitted,  
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